

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EMMANUEL N. LAZARIDIS, individually and
in his capacity as legal custodian of V. L., a minor,

Plaintiff,

v.

TINA LAVINA WEHMER,
MATTHEW NEIDERMAN,
CATHERINE SUTER,
AFRODITI MINA MAUROEIDI, and
the OFFICE OF THE ATTORNEY GENERAL
OF THE STATE OF DELAWARE, by and
through Joseph R. Biden, III, Attorney General.

Defendants.

Civil Action No. 06-793 SLR

Hon. Sue L. Robinson

MOTION FOR AN INJUNCTION
PENDING APPEAL

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2007 SEP 17 PM 2:53

Plaintiff, Emmanuel N. Lazaridis, in light of the Court's Order of August 8, 2007 and recent developments herein described, requests pursuant to Fed. R. Civ. P. 62(c) that the Court issue an injunction pending appeal of the said Order to prohibit the State of Delaware from enforcing foreign orders registered in its Family Court under Delaware's Uniform Child Custody Jurisdiction and Enforcement Act ("UCCJEA"), 13 Del. C. § 1901 *et seq.*, and its Uniform Interstate Family Support Act ("UIFSA"), 13 Del. C. § 6, and preventing the private defendants from registering any further foreign orders in the State of Delaware or from otherwise seeking enforcement of such orders, and in support of his request states as follows:

1. On July 30, 2007 the Family Court of the State of Delaware issued a Civil Disposition, annexed hereto, vacating registration of the April 5, 2005 order in divorce issued by the Court of First Instance of Lyon, France, accepting that Greece is exercising proper jurisdiction over the matter of custody of plaintiff's minor child, but reserving judgement with respect to registration of Greek child custody orders until the present case is heard on its merits, stating: "If there are no

pleadings within thirty days of the District Court decision *and this court is found to have jurisdiction to register foreign custody orders*, the January 31, 2007 Greek Order shall be deemed to be registered in this court, without further court action, effective two months after the final order in the District Court case" (emphasis added).

2. Although the Family Court's order of July 30, 2007 explicitly recognises that its jurisdiction is at issue, it does vacate the Family Court's prior decision of August 5, 2005 to confirm registration of a June 29, 2004 decision of the Court of Appeal of Lyon, France. As a matter of law, the June 29, 2004 French child custody order is still registered and enforceable in the State of Delaware even though the Family Court now clearly recognises the existence of modifying child custody orders. **In fact, Delaware is the only place where the void French judgement of June 29, 2004 is being enforced!**
3. Although this Court declined to issue a temporary restraining order and dismissed this case on August 8, 2007 without effecting service on the defendants, Plaintiff and his minor child are still unconstitutionally subject to enforcement actions by the State of Delaware. The State through its Family Court has deferred to this Court judgement on the constitutional issues raised by plaintiff.
4. Plaintiff incorporates herein by reference his July 11, 2007 Ex Parte Motion For a Temporary Restraining Order, and his concurrently filed Motion For Stay Pending Appeal.
5. For the reasons stated above and in plaintiff's aforesaid motions, denial of the present request would result in irreparable harm to plaintiff and his minor child, whereas granting the present request would not result in any harm to the defendants and would be in the public interest.

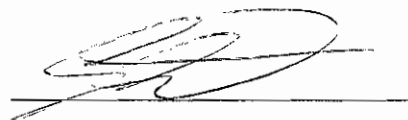
WHEREFORE, Plaintiff respectfully requests that the Court:

- A. Issue an injunction pending appeal to prohibit the State of Delaware from enforcing foreign orders registered in its Family Court under Delaware's UCCJEA and its UIFSA, and to prevent the private defendants from registering any further foreign orders in the State of Delaware or from

otherwise seeking enforcement of such orders;

B. Notice defendants for a hearing further to issuance of an injunction; and

C. Grant any other relief that the Court deems appropriate.



Dated: September 10, 2007

Emmanuel N. Lazaridis

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